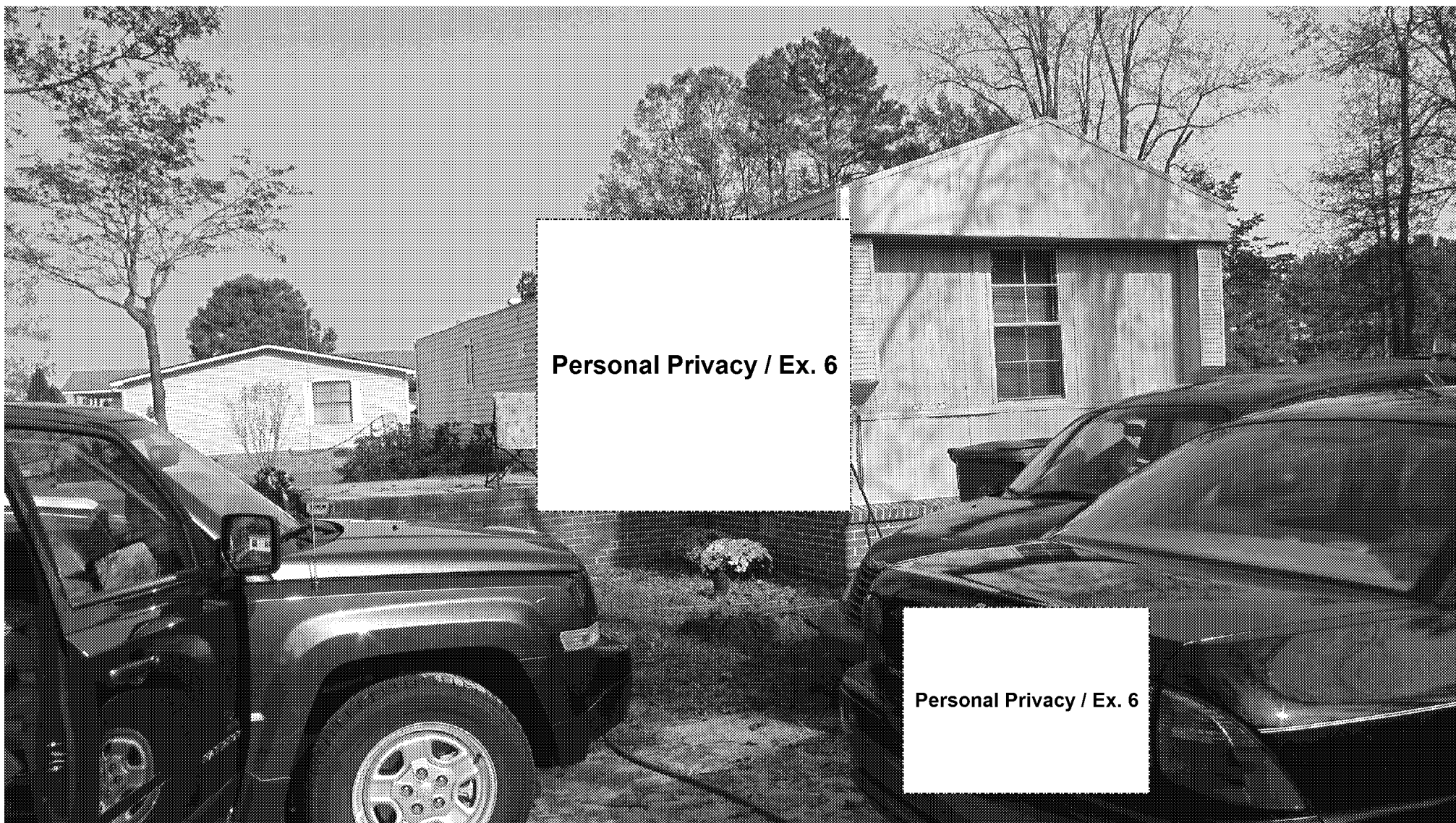




Personal Privacy / Ex. 6

Personal Privacy / Ex. 6





Interview with [Personal Privacy / Ex. 6]
12/08/16; 10:00AM

Alexis Andiman, Earthjustice
Daniel Isales, EPA Region III
Adam Wilson, EPA OGC

Following interviews in Garysburg he stopped at the entrance of Barrow Trail, which housed Facilities 27-30.

We discussed the photographs which he had shared with us. Sprayfields of particular concern are to the northeast of the intersection of Barrow Trail/Gilt Lane. Stream connects to sprayfield. He was concerned by what he saw so he called Christian Breen, who in turn called the Department of Environmental Management (call at 2:30PM).

Told DEM went out the next day. Saw permit violations and issued NOV, but didn't find discharges to the stream the next day. Water ponding, but not reaching surface waters.

In the past had enjoyed good relationship with regulators but industry stopped that.

At 3000 feet while taking photos he could smell waste. Color of ponds were unusual, should have been pink. Some were very low in terms of capacity.

Lagoons have effective life of 20 years and are at capacity. Saw trucks pumping waste out of lagoon and taking it to Carroll facility in Aulander (coordinates n36 14 34.67 w 077 10 11.84). Opened up valve and let waste run on ground.

We discussed each of the photographs that [Personal Privacy / Ex. 6] had provided.

Photographs provided under cover email from Marianne Engelman Lado dated 11/30/16 (8:56AM):

11-16-16 Garysburg RD spraying: center field sprayer with ponded waste. Waste over applied, which is a permit violation. On left-hand side you see significant ponding, which then runs down to the wood line. You will notice that things look very different outside of circle. Dead areas are likely areas which had been over applied.

11-16-16 Garysburg RD with text: turned off sprayer; didn't turn other ones off.

11-16-16 Garysburg Sprayfield 2: Same sprayfield. Can see to the north of center it running off into the woods. Active sprayer to upper right-didn't turn that one off. Green area-that area likely low-lying.

11-16-16 Garysburg Sprayfield 3: a little bit further. Same as other photos.

11-16-16 RD Garysburg Edge of Sprayfield: Another center pivot sprayer-adjacent to woods, coming from other lagoon. There is a runoff area from sprayer-likely discharging as well. The sprayfield has problems-ponding, no crop uptake, nothing to hold odors back.

11-16-16 RD Garysburg Pooling 2: Picks up reflection from sun better. Believes discharges to waters. Lagoon on bottom is empty and color is wrong.

11-16-16 RD Garysburg Pooling 3: Same as prior photo, but other view.

11-16-16 RD Garysburg Pooling: Same as prior photos.

11-16-16 RD Garysburg Sprayfield: Can see discharge into woods.

11-16-16 RD Garysburg Spraying 2: Same as prior photo.

11-16-16 RD Truck Lagoon: Carroll 33-Aulander facility.

Photographs provided under cover email from Alexis Andiman on 12/8/16 (9:57AM):

Dove 11_16 A: Tanker dumping into lagoon. No pipe from truck to lagoon, may be some rocks, but can't say for sure.

Dove 11_16 B: Different view of above.

Dove 11_16 C: Dumping right on the ground, hard to believe it is legal.

What Personal Privacy / Ex. 6 saw is common in NC and he is not surprised at all by the odor complaints. The discharge he saw is an additional problem, but not so different from others that he has seen. The application of waste on fields is based on average rainfall. That could be hard in drought conditions, can't rely on waste to liquefy in fields. When rainfall goes above average, not allowed to spray where waste ponds or saturates fields, but no other option because rain is filling lagoons. Most of eastern NC under water-agricultural conversion via ditches and when it rains fields are saturated. Farmers could depopulate, but don't. Waste applied to fields regardless of rain or pumped into the woods at times.

If you cover the lagoons that increases the ammonia level in the lagoons and that will increase levels in sprayfields. Scientists estimate 60-80% nitrogen is discharged to air and 100% is redeposited when it comes down. How will they find enough land for spray fields? Things will be worse for rivers and streams.

Current lagoons are failing-useful life 20-30 years and they are now that old and all lagoons leak. With lagoons failing the situation is far worse than it has ever been; solution is large investment of money. Photographs don't lie about lagoons full of sludge, they have outlived their useful life; things are worse now than he has ever seen. Industry is likely trying to mask odors, but things will get worse. One alternative is to tank waste.

The growers are in a bind Personal Privacy / Ex. 6 told them about lagoons as a solution, but now most don't have enough money to correct them. Industry has money to fix things. Growers know of the problems.

After the moratorium, instead of fixing the problem decided that lagoons were cheaper so they built them elsewhere in country.

There have been times when his life has been threatened.

Near term solution: cut down size of herd, especially when there are above average rainfall conditions.
Start a dialogue on how to get rid of lagoons-trying to fix the lagoons won't work.

Interview with **Personal Privacy / Ex. 6**

Interviewed by: Cynthia Peurifoy and Naima Halim Chestnut

Date: November 15, 2016

General Observations: Swine facility near the house; smell was apparent.

Interview Summary:

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perspective

- There are between 5 and 10 swine facilities adjacent to me within a 3 mile radius
- Around 5 or 6 in the evening, every day we can smell the swine facility
- We cannot hang our clothes out to dry due to the smell
- She moved to their current home in 2002 and did not have a water problem, but current complaints consist of bad taste of the water—"chlorine taste"
- If they drive behind waste trucks—something will get on their cars but they do not know what the substance is
- They see the Dead Trucks going throughout the week, one time Sheila had to pull over because she started gagging when she did she could see blood on the side of the truck
- She frequently experiences eye itching and irritation. Both she and her son currently use a breathing machine. Her son used to be able to go out and play but when he was about 9 or 10 he began having breathing troubles and later led to having to use a machine.
- She believes that moving away will be the only way she can get away from these issues

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perspective

- Has been a resident for 40 years and has been on County Water for the last 15 years. Since the Hurricane but doesn't have any major issues with her water except that she has to pay \$23 a month
- She previously had issues with her well water including waste and rust
- Other issues she's observed are with the lagoon on Penny Branch Road and once spraying starts in the evening she has seen an increase in flies and mosquitos and can no longer have cookouts. She stated that the neighbors also have an increase in flies but have sheds they can use for shelter so she isn't sure if they experience the same problems as her
- She stated that her husband has been suffering from COPD for the past 3 years, although she admits he is also a smoker she attributes some of his medical condition to the hog facilities and he also cannot go outside during high peak smell times
- She also suffers from eye irritation at least 3 times in the last month, she stated she broke out over her face and it lasted 3-4 months, she has sinus problems, her throat itches and she frequently experiences headaches
- When she does yard work she notices that her nose begins to get stuffy and her eyes begin to itch
- She doesn't know if anyone has had issues trying to sell their homes because of these issues

Interview with **Personal Privacy / Ex. 6**

Interviewed by: Cynthia Peurifoy and Naima Halim Chestnut

Date: November 15, 2016

General Observations: Swine facility directly behind the house; smell was apparent.

Interview summary:

- He has owned his property for over 20 years but also spent time living in New York where he met his previous wife. He moved his then wife in with him at this home but she later left him stating that she could live there anymore due to the issues and smell. His first wife died due to breathing problems she inherited as a result of living there. He stated that his wife started having asthma after they moved there.
- **Personal Privacy / Ex. 6** has been experiencing health problems over the past 5-6 years including running eyes, headaches, colds and lingering coughs
- He states he thinks there are between 5-10 hog farms near his home
- He states that near his home the smell shifts and that during the rainy season he has to pump a lot
- Some observations he has had regarding the spray facilities include: once he noticed that the spraying was happening within 50 feet of the road and for a week if not, 2. the smell was unbearable mostly because of the weather but it is during this weather period that the smell is the most awful
- Once he had the Health Department test his well water because he noticed it had grease in it but they told him his water was "good" even though it was also smelling terribly. He later put in a water system to get cleaner water
- **Personal Privacy / Ex. 6** discussed observations he had experienced during hunting in the area. He has observed ruptured hoses which were documented by REACH. He said there is a swamp area a half mile from the tree line that has a pipe that brings wastewater there. He mentioned that hog waste is not supposed to go off site but he had observed otherwise. He also stated that he has permission to go on many properties to hunt.
- **Personal Privacy / Ex. 6** also stated that after he stated raising concerns about the hog farms, local creditors that he had dealt with for years started to impact his credit and bills. He found that he could no longer get credit from local creditors.
- He stated that he has been hunting in the area for years, the smell travels through the woods. You can also feel it in the air. There are times when you don't smell it.
- He also mentioned a breach in the Nuse River and the impact on a number of churches in the area. He also mentioned the flies, bugs and rats are a major problem, his windows are usually covered with flies. He mentioned that his property values are going down and that he is aware that folks are having trouble selling their property.
- He mentions that after participating in the 51-hour vigil regarding the hog farms, local leaders got nasty with him and wouldn't even speak to him.

12/2/16: Call with the Riverkeepers/Waterkeepers:

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Marianne Engelman-Lado

Andrea Zimmer-R4 NPDES permitting-sitting in for Denise Diaz

Cynthia Peurifoy

Naima Halim Chestnut

Connie Roberts

Jeryl Covington

Mary O'Lone

Lilian Dorka

Daniel Isales

Call was recorded after the consent of all was given.

☐ rapid response coordinator for flyovers until 10/14. Riverkeepers were flying in advance of tropical storm Hermine; there was illegal spraying during flood watch. Documented spraying and reported that to the state, no enforcement action taken. Wanted to do similar things prior to Hurricane Matthew. No aerial observation prior to Matthew due to low cloud cover and aerial observation not possible so there were ground patrols.

☐ Pre-Hermine he flew, down to Duplin County from Wilmington-observed several CAFOs spraying after 4 hour cutoff should have been in place. Photographed them and took videos. While in air observed 30-35 CAFOs spraying-high concentration in Duplin County-about 1/3rd of the farms. He photographed farms with GPS time and date stamp.

☐ Percent of farms spraying observed was great-submitted to DEQ with geo tag/farm location. To his knowledge, no action taken.

☐ submitted information to Jim Gricks-supervisor at DEQ Wilmington sub-office. Turned over thumb drive to DEQ.

☐ Upon taking information over they were advised by DEQ that evidence could not be used by DEQ for NOV. Said would follow up independently to verify if events could occur; however, DEQ is not flying itself.

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Could not use photos even with information in metadata. Told could DEQ couldn't defend photographs in court, even though Riverkeepers told DEQ that they would be happy to testify, but that not enough.

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No political will to start investigation.

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in NC public records act-complaints regarding any operations and investigations are confidential unless there is a finding of a violation.

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turned photos over and DEQ said it would check spray logs. However, spray logs are self-report logs. DEQ said it would follow up later; not able to fly prior to tropical storms anymore-not in budget.

MEL: one remedy would be to digitally record if sprayers are on or off.

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flew over also. Swine and poultry facilities were under water. Flew from eastern NC to central NC. Saw one lagoon underwater, others had water around them. State in particular was trying to distinguish between breach or underwater, but the impacts are just as bad.

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compiled data for photos. 10 swine farms flooded, 26 poultry, 39 barns fully flooded, 14 lagoons fully or partially submerged.

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: He does rapid response. 20 different sorties. Went SE portion of NC, Lumber/Cape Fear rivers, mid state by Neuse River, 2 or 3 sorties Tar-Pamlico. Farthest west was around Lumberton-Robertson County.

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Sprayfields were under water in the Tar-Pamlico basin.

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Flew on 10/10-10/15. Lower Neuse and eastern end upper Neuse (coal ash). Also upper part of Cape Fear and Tar Pamlico. Went from Goldsboro SE to Jones County. Dozens of poultry and swine facilities with buildings partially or extremely under water. Lagoons – liquid rising to berm.

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White Oak/New River-north of KB's area. Poultry facilities-in water. Fayetteville-swine and poultry under water. Widespread aspect to it. Sprayfields under water.

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10/12-10/13. Flew out of Wilmington, NE sub basin and west to Black River Basin. SW down to Cape Fear. Numerous facilities inundated. Several lagoons very close to overflowing. Poultry facilities the same. For lagoons saw pink colored water standing in the spray fields. Spraying in fields which were completely saturated.

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Not clear mortality rate after. Hog and poultry close together and poultry waste when mixed with water becomes liquid-impacts water quality. Did not see any structural integrity loss of lagoons in process while flying-would be hard to determine.

[REDACTED] could not detect any structural damage. Color of contents of lagoon make it easy to see which lagoons were full of rain water/waste water.

[REDACTED] 14 years of experience. Flying over CAFOs since 2002. DEQ ignores videos/photos. No one else is doing this.

[REDACTED] no flyovers regarding Matthews. Flying since 2003. Seen spraying within 4 hours. Always provide information to state agency. Not seen any substantive action from DEQ.

[REDACTED] Personal Privacy / Ex. 6 doing this for a long time, 97? 98? Very frustrating. No results.

[REDACTED] Has seen spraying going into ditches flowing off property, spraying into creeks, spraying onto public roads.

[REDACTED] spray drifts from facility to vegetable garden. Place spray nozzles within edge of property-falls on children's play equipment. She reports either phone call or email to the Wilmington Regional office-water resources.

[REDACTED] reported to appropriate regional office. Offices keep 9-5 hours and no weekends.

[REDACTED] half a dozen times got calls from residents asking not to be identified-just receives vague information. Has been working on surface water data for 10 years. People have no hope of influencing change. Instances of instances of being followed and intimidation-verbally accosted. A lot of volunteers remember the odor.

[REDACTED] instances when driving past sprayfields and spray landing on windshield. Poultry litter spread by trucks-dust blows across the roads. Has seen instances of increased fecal coliform in creeks. Has seen ponding and visible gullies. For some odor makes them almost physically ill. Poultry ammonia smell. Discussed instances from Feb. 2016 regarding Rick Dove. Photos of field that had been sprayed so much and for so long and was over a permanent stream across field-DEQ took action in NOV.

[REDACTED] all sampling efforts have standard protocol. Equipped with cameras, video, GPS (highly accurate). Personal observations-spray on windshield, spraying during rain events, saturated fields. Large litter plies uncovered for 30 days.

[REDACTED] intimidation factor always evident. Followed. Approached physically by various people in the field. Told they would "kick ass" if he came on other side of ditch. Training class some years ago-Riverkeepers by public road-driver made it clear he was aiming for Larry. Film documentary crew-try to take cameras away. We are white people-what kind of intimidation being done against communities of color/low income.

[REDACTED] Lost of extreme tailgating. People yell as driving by. Writer for magazine in car [REDACTED] Followed for several miles-confronted at stoplight by owner of CAFO (what are you doing?, get out of Duplin Cty., you're unwelcome). Article in upcoming March issue.

threats have elevated. Death threats on two occasions. "If you step out, I have a gun, you are going down."

corroborate pick up truck story. Vehicle swerved She avoids conflict. Don't go sampling by herself anymore.

all Riverkeepers have high professional standards. No confrontations with property owners. Only on public ways.

Also on scene and saw truck swerve Compacted area-maybe 10 people. Vehicle slowed down, but then accelerated and swerved. Accosted by irrigation manager-left vehicle and challenged proximity to property; he was well within right and in public roadway. Followed throughout the day. Clear not wanted there.

mediation-thought it was with NC DEQ, not Councils. Bullying. There was a stakeholders meeting in Kenansville -about 13 opposed to permit. Auditorium packed-had to be escorted by sheriff because of intensity.

Facilitated Fields of Filth. All data publicly available.

Increased incidence green blooms/algae blooms.

Problems getting worse. State's will to address the problems has decreased. Happening across several areas. Legislative attacks preventing discussion of pending cases, Governor saying Waterkeepers need to mind their own business to protect our livelihood.

Personal Privacy / Ex. 6 Rally in Raleigh. Lt. Governor accused them of environmental terrorism. May 2015.

Poultry close by. Facilities past carrying capacity. Impact on streams cumulative. Highlight poultry.

totality of what we heard helps illustrate problems with waste management system. Trying to deal with industrial waste with an old model.